

filed herewith further establishes Sellers does not anticipate under Section 102(e). Further, Sellers was commonly owned with the present invention at the time the present invention was made. Under MPEP § 706.02(l)(1) with the filing of the present amendment and a showing of common ownership, Sellers cannot be relied upon as prior art under 35 U.S.C. 102(e)/103.

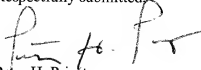
As described in MPEP § 706.02(l)(2), the rule permits the necessary showing to be made by indicating the files referring to assignments which are recorded in the Patent and Trademark Office in accordance with 37 CFR Part 3 as long as the assignments conveyed the entire rights in the application to the same person or organization. MPEP page 700-22.

Here, the entire rights in the present application, U.S. Serial No. 10/036,605, were assigned to GE Mortgage Holdings, LLC by the assignment recorded at Reel 012828 and Frame 0390. Similarly the entire rights in U.S. Serial No. 09/788,132 (including all rights in the subject matter of U.S. Serial No. 09/909,439) were assigned to GE Mortgage Holdings, LLC by the assignment recorded at Reel 011860 and Frame 0123.

Conclusion

Withdrawal of reliance upon Sellers and prompt allowance of the present claims are respectfully requested.

Respectfully submitted



Peter H. Priest
Reg. No. 30,210
Priest & Goldstein, PLLC
5015 Southpark Drive, Suite 230
Durham, NC 27713
919-806-1600